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LEONARDO M. RAPADAS United States Attorney MARIVIC P. DAVID Assistant U.S. Attorney Sirena Plaza, Suite 500 108 Hernan Cortez Avenue Hagåtña, Guam 96910 TEL: (671) 472-7332

FAX: (671) 472-7215

DISTRICT COURT OF GUAM

JUL 24 2007 pdx

MARY L.M. MORAN CLERK OF COURT

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 02-00012
Plaintiff,	)	
,	j	PETITION TO TRANSFER
V.	)	PAYMENT FROM THE RESTITUTION
	)	FUND TO THE CRIME VICTIM
JAMES G. SABLAN,	)	FUND AND REFUND
	)	OVERPAYMENT
Defendant.	)	
	Ś	

#### **PETITION**

COMES NOW the United States of America, by and through its undersigned counsel, and respectfully petitions this Court for the entry of an order to transfer payments from the Restitution Fund to the Crime Victim Fund and to refund the overpaid portion of the restitution imposed against the Defendant in the above entitled action and in support hereof, states as follows:

1. On or about August 15, 2003, sentence was imposed by this Court against Defendant JAMES G. SABLAN (hereinafter referred to as "Defendant SABLAN"). Among other things, a S100.00 special assessment fee, restitution in the amount of S33,300.00 and a \$5,000.00 fine were ordered. See Attachment "A."

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Interest accrued at the legal rate of 1.35% and a total of \$1,203.22 in interest had accrued on Defendant SABLAN's court ordered restitution. Interest accrued at the legal rate of 1.35% and a total of \$259.98 in interest had The following was imposed against Defendant: Amount credited towards restitution from SMC Joint Venture vs. Bank of Guam, et al., CV 0796-00 (See attachment B) Amount collected (See attachment C) 11

6.	Plaintiff respectfully requests that the amount of \$4.99 paid by or on behalf of
Defendant SA	BLAN and deposited in the Restitution Fund be transferred to the Crime Victims
Fund in full sa	tisfaction of the fine interest accrued.

<u>\$ 5,359.98</u>	Amount of Special Assessment Fee + Fine/Fine interest owed
\$ 5,354.99	Amount paid and deposited in the Crime Victim Fund
\$ 400	Amount of fine interest still owed

- 7. In the interest of justice, the amount of \$500.80 paid by or on behalf of Defendant SABLAN be refunded to him by issuing a check in the amount of \$500.80 to James G. Sablan and mailing the check to his last known address as provided by plaintiff.
- 8. Plaintiff further requests that any future payments made by defendant be refunded to him.

DATED this 24th day of July , 2007.

LEONARDO M. RAPADAS United States Attorney Districts of Guam and the NMI

By:

MARIVIC P. DAVID Assistant U.S. Attorney

08-16-2003 08:45am From-US DISTRICT PURT, NMI

\*16702362611

T-784 P 003/008 F-564

Aug-18-03 08:58am From-U S DISTRICT COURT GUAM

6714726152

Y-642 P.002/007 F-084

AO 245B (Rev. 3/01) Judgment in a Criminal Case

Sheet 4-Probation

Judgment-Page \_ 2 \_ 0( \_\_\_\_

DEFENDANT: CASE NUMBER: JAMES G. SABLAN CR-02-00012-001

**PROBATION** 

The defendant is hereby semenced to probation for a term of 3 YEARS

While on Probation, the defendant shall participate in a farancial management program to pay any monetary panalties.

The defendant shall not commit another federal, state or local crime.

The defendant shall not flagally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter.

- X The above drug resting condition is suspended, based on the court's determination that the defendant posses a low risk of funce substance above.
- X The defendant shall not possess a firearm, desquerive device, or any other daugerous weapon.

If this judgment imposes a fine or a restinution obligation, it shall be a condition of probation that the defendant pay any such fine or restinution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court of probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer multifully all impairies by the probation officer and follow the instructions of the probation officer.
- the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) the defendant shall retrain from expassive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances, except as prescribed by a physician;
- 8) the defendant shall are frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall pennit a probation officer to visit him or her at any time at house or elsewhere and shall pennit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within severny-two hours of being arrested or questioned by a law enforcement officer,
- i2) the defendant shall not enter into any agreement to acr as an informed or a special agent of a law enforcement agency without the paralession of the court;
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal
  record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the
  defendant's compliance with such notification requirement.

T-794 P.004/008 F-564 From-US DISTRICT CURT, MAI +16732362011

6714730152

09:000m From-U S DISTRICT COURT GUAM Aug-18-03

T-642 P.003/007 F-064

DEFENDANI:

38-19-2003 38:45am

JAMES G. SABLAN CR-02-00012-001

Judgment-Page \_ 1 of \_

CASE NUMBER:

#### ADDITIONAL PROBATION TERMS

- DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
- DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATIONS AS SET FORTH BY THE U.S. PROBATION OFFICE.
- 1. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
- DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
- 5. DEFENDANT SHALL NOT INCUR ANY NEW CREDIT CHARGES OR OPEN ADDITIONAL LINES OF CREDIT WITHOUT THE APPROVAL OF THE U.S. PROBATION OFFICE.
- 6. DEFENDANT SHALL PROVIDE THE U.S. PROBATION OFFICE ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.
- 7. DEFENDANT SHALL PAY RESTITUTION JOINTLY AND SEVERALLY WITH CO-DEFENDANT, MARILYN MANIBUSAN, IN UNITED STATES DISTRICT COURT CRIMINAL CASE NUMBER 02-12, IN THE AMOUNT OF \$33,300. PAYMENTS SHALL BE REMITTED TO THE CLERK OF COURT, 4TH FLOOR, U.S. COURTHOUSE, 520 WEST SOLEDAD AVENUE, HAGATNA, GUAM 95910 WHICH SHALL BE DISTRIBUTED TO THE VICTIM:

SHINIL PACIFIC P.O. BOX 11319 TAMUNING, GUAM 96931

- L DEFENDANT SHALL OBTAIN AND MAINTAIN GAINFUL EMPLOYMENT.
- 9. DEFENDANT SHALL PERFORM 500 HOURS OF COMMUNITY SERVICE.

	05-13-2003	29)48am	From-US DISTRICE RT.		+1870738281		P 205/008	F-564
a	Aug-18-03	08:00am	From-U S DISTRICT COURT S	<b>.</b>	6714739152	7-862	P.504/007	F-084
	EFENDAN ASE NUM	IT: BER:	JAMES G. SABLAN CR-02-00012-001 CRIMIN	AL MONE	ΓARY PENALTH		**************************************	5 <u> </u>
	The defer cet 5, Part I	3.	sy the following total crimin sment 10	<u>Fig</u>		the schedule of Restituti \$ 33,300.0	ion	et forth on
		minacion of . desembad	restitution is deferred until on	An <i>A</i> r	mended Judgment to a	Crimbial Case	(AO 245C)	will be entered
	The defer	u Lade meb	sike restinuton (including co	country resim	cion) to the following pa	yees in the autor	on listed be	cw.
	If the defe the priorit	radent make y order of p to the Unite	s a partial payment, each pay enentage payment column be I States receiving payment.	ee shall receive Low. However,	an approximately propor pursuant to 18 U.S.C. §	ntioned payment 3664(i), all nont	, unicso spe ederal victi	rified otherwise in ne must be paid i
Na	me of Pave	ŝ	*Total Amount of Los	£	Amount of <u>Restitution Ordered</u>	Ì	or Pe	ty Order resotage syment
P,C	INIL PACE D. BOX 113 MUNING,		31	•	\$ 33,300.00			
ro	TALS			\$	33,300.00	<del>la provin a di a f</del>		
	If applicat	ole, restinuis	n amount ordered pursuant	o bjer strene		and the state of t		
1	fifteenth d	ay after the	ly interest on any fine or rest date of the judgment, pursue delinquency and default, pu	nt to 18 U.S.C.	§ 3612(f). All of the pay			
	The court	determined (	that the defendant does not b	eve the stilling s	o pay incress, sad it is a	ndred bun		
	in the int	etem fequir	ment is waived for the	] far end/ar				
	ive in	स्टा स्पूर्ण	ment for the 🔲 fine at	dur 🗌 us	titution is modified as fo	llows!		

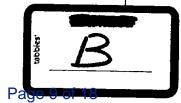
Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for officeses amounted on or after September 13, 1994 but before April 23, 1996.

expectus shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution inferest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

The defendant shall forish the desiredant's interest in the following property to the United States:

The defendant shall pay the following count cost(s):

SABLAN J.ord LEONARDO M. RAPADAS United States Attorney 3 MARIVIC P. DAVIĎ Assistant U.S. Attorney Sirena Plaza, Suite 500 108 Hernan Cortez Avenue 5 Hagåtña, Guam 96910-5059 TEL: 472-7332 FAX: 472-7215 6 Attorney's for United States of America 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE DISTRICT OF GUAM 10  $\Pi$ UNITED STATES OF AMERICA, CRIMINAL CASE NO. 02-00012 12 Plaintiff, ORDER 13 v. Re: United States Petition for Credit 14 JAMES G. SABLAN, of Payment 15 Defendant. 16 17 Based upon the Plaintiff's Petition for Credit of Payment, the Court hereby orders the 18 Clerk's Office of the U.S. District Court of Guam credit the amount of \$5,000.00 paid by 19 Defendant SABLAN in SMC Joint Venture vs. Bank of Guam, et al., CV 0796-00. 20 IT IS SO ORDERED. 21 22 /s/ Frances M. Tydingco-Gatewood Chief Judge 23 Dated: Jul 17, 2007 24 25 26 27 28

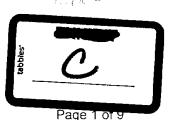


Filed 07/24/2007

Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee	 Amount
08/15/2003	0022883	SABLAN, JAMES G.	CR-02-00012: CR-02-00012-001 USA VS JAMES G. SABLAN Assessments/Fines Check Info: 101-511 #8018 Assessments/Fines	\$ 100.00
			Payment Type(s) Check	\$ 100.00
10/16/2003	0023224	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$ 250.00
			Payment Type(s) Cash	\$ 250.00
11/05/2003	0023361	SABLAN, JAMES G.	CR-02-00012: CR-02-00012-001 USA vs JAMES G. SABLAN, et. al. Restitution Restitution	\$ 250.00
			Payment Type(s) Cash	\$ 250.00
12/04/2003	0023518	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$ 250.00
			Payment Type(s) Cash	\$ 250.00
01/08/2004	0023684	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$ 250.00
			Payment Type(s) Cash	\$ 250.00



7/17/2007 9:45 am

Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
02/05/2004	0023823	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 RE: USA vs JAMES G. SABLAN Restitution Restitution Payment Type(s) Cash	\$	250.00 250.00
03/05/2004	0023994	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution Payment Type(s)	\$	250.00
			Cash	\$	250.00
04/05/2004	0024171	SABLAN, JAMES G	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution Payment Type(s) Cash	\$ \$	250.00 250.00
05/05/2004	0024416	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution Payment Type(s) Cash	\$	250.00
06/04/2004	0024594	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution  Payment Type(s) Cash	\$	250.00 250.00

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
07/06/2004	0024760	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$	250.00
			Payment Type(s) Cash	\$	250.00
08/05/2004	0024929	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 RE: USA vs JAMES G. SABLAN Restitution	_	
			Restitution	\$	250.00
			Payment Type(s) Cash	\$	250.00
09/07/2004	0025105	SABLAN, JAMES G.	CR-02-00012: CR-02-00012-001 USA vs JAMES G. SABLAN Restitution		550.00
			Restitution	\$	250.00
			Payment Type(s) Cash	\$	250.00
10/05/2004	0025256	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution		
			Restitution	\$	300.00
			Payment Type(s) Cash	\$	300.00
11/04/2004	0025390	SABLAN, JAMES G.			
			CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN, Restitution Restitution	\$	300.00
			Payment Type(s) Cash	\$	300.00

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
12/06/2004	0025560	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution  Payment Type(s) Cash	\$	300.00
01/05/2005	0025695	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$ \$	300.00
			Payment Type(s) Cash	\$	300.00
02/04/2005	0025859	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution Payment Type(s) Cash	\$	300.00
03/04/2005	0026019	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution  Payment Type(s) Cash	\$	300.00
04/05/2005 00	0026176	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$	300.00
			Payment Type(s)  Cash	<b>\$</b>	300.00

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

05/05/2005 0026331 05/31/2005 0026485	SABLAN, JAMES G. SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution  Payment Type(s) Cash  CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution Restitution Payment Type(s)	\$ \$	300.00
05/31/2005 0026485	SABLAN, JAMES G.	Cash  CR-02-00012: CR-02-00012  USA vs JAMES G. SABLAN  Restitution  Restitution		
05/31/2005 0026485	SABLAN, JAMES G.	USA vs JAMES G. SABLAN Restitution Restitution	\$	300.00
			Ψ	
		Payment Lype(s)		300.00
		Cash	\$	300.00
07/05/2005 0026676	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$	300.00
		Payment Type(s) Cash	\$	300.00
08/05/2005 0026879	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$	300.00
		Payment Type(s) Cash	\$	300.00
09/13/2005 0027069	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution	\$	300.00
		Payment Type(s) Cash	\$	300.00

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
10/05/2005	0027220	SABLAN, JAMES G.	CR-02-00012: CR-02-00012 USA vs JAMES G. SABLAN Restitution Restitution  Payment Type(s) Cash	\$	200.00
11/04/2005	0027474	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
12/05/2005	0027647	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
01/05/2006	0027855	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	225.00
			Payment Type(s) Cash	\$	225.00
02/06/2006	0028039	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
03/01/2006	0028192	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	225.00
			Payment Type(s) Cash	\$	225.00
				;	6 1,7

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
04/05/2006	0028393	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
05/05/2006	0028524	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
06/05/2006	6/05/2006 0028672 SABLAN, JAM	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
07/31/2006 002	0029158	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
08/07/2006	0029326	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
09/14/2006	0029931	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	200.00
			Payment Type(s) Cash	\$	200.00
				1	· · · · · · · · · · · · · · · · · · ·

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Case: CR-02-00012

Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee	 Amount
10/11/2006	0030153	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$ 200.00
			Payment Type(s) Cash	\$ 200.00
11/09/2006	0030379	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G.	
			Restitution	\$ 200.00
			Payment Type(s)  Cash	\$ 200.00
12/08/2006	0030553	SABLAN, JAMES G.	CD 02 00042; USA v. Sables	
			CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$ 200.00
			Payment Type(s) Cash	\$ 200.00
01/04/2007	0030706	SABLAN, JAMES G.		
			CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$ 200.00
			Payment Type(s) Cash	\$ 200.00
02/08/2007	0030954	SABLAN, JAMES G.	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G.	
			Restitution	\$ 200.00
			Payment Type(s) Cash	\$ 200.00
03/06/2007	0031078	SABLAN, JAMES G.	CR-02-00012; USA v. Sablan	 
			Party: SABLAN, JAMES G. Restitution	\$ 200.00
			Payment Type(s) Cash	\$ 201.50

Case: CR-02-00012

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Fee(s): Assessments/Fines; CVB Special Assessment/Fine; Restitution

Date	Receipt	Remitter	Case / Fee		Amount
04/16/2007	0031304	BANK OF GUAM	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution  Payment Type(s)	\$	500.00
			Check #789006 101-511/12 <b>14</b>	\$	500.00
06/13/2007	0031644	BANK OF GUAM	CR-02-00012: USA v. Sablan Party: SABLAN, JAMES G. Restitution	\$	1,000.00
			Payment Type(s)	Ψ	1,000.00
			Check #791987 101-511/1214 Check #791988 101-511/1214	\$ \$	500.00 500.00
07/10/2007	0031834	PACIFIC AMERICAN	MERICAN TITLE  CR-02-00012: USA v. Sablan  Party: SABLAN, JAMES G.		
			Assessments/Fines Restitution	\$ \$	5,254.99 17,759.01
			Payment Type(s) Check #5962 59-101/1213	\$	23,014.00
07/12/2007	0031861	BANK OF GUAM	CR-02-00012: USA v. Sablan		
			Party: SABLAN, JAMES G. Restitution	\$	500.00
			Payment Type(s) Check #792746 101-511/1214	\$	500.00

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